



QUACANAGARI PONTIAC BLACK HAWK
 MONTEZUMA CAPTAIN PIPE RED OXLE
 GLATKOTEN LOCAN SAGAGAWPA
 POWHAIAN CORNPLANTER BENTOLIBARGE
 POCAHONTAS JOSEPH WANTS NANCUS
 SAHO SET RED JACKET COQUADAS
 MASSADOTT LITTLE TURKLE LITTLE CROW
 KING PHILIP TECUMSEH SITTING BULL
 UNCAS OSCEOLA CHIEF JOSEPH
 TEDYUSKUNG SEQUOYA GERONIMO
 SEABOYEE



TO PERPETUATE THE HISTORY
 AND DEVELOPMENT OF THE
 PEOPLE REPRESENTED BY THE
 ABOVE CHIEFS AND WISE MEN
 THIS COLLECTION HAS BEEN
 GATHERED BY THEIR FRIEND
 EDWARD EVERETT AYER

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1802

In Senate of the United States,

MARCH 11, 1802.

READ THE FIRST TIME, AND PASSED TO THE SECOND READING.

An Act

To regulate Trade and Intercourse with the Indian tribes, and to preserve Peace on the frontiers.

1 Sec. 1 **B**E it enacted by the Senate and House of Representatives
2 of the United States of America, in Congress assembled, That the follow-
3 ing boundary line, established by treaty between the United States and
4 various Indian tribes, shall be clearly ascertained, and distinctly marked
5 in all such places as the President of the United States shall deem neces-
6 sary, and in such manner as he shall direct, to wit: Beginning at the
7 mouth of the Cayahoga river on Lake Erie, and running thence up the
8 same to the portage between that and the Tuscaroras branch of the
9 Muskingum; thence, down that branch, to the crossing place above
10 Fort Laurence; thence, westwardly to a fork of that branch of the Great
11 Miami river running into the Ohio, at or near which fork stood Laro-
12 mie's store, and where commences the portage, between the Miami of
13 the Ohio and St. Mary's river, which is a branch of the Miami, which
14 runs into Lake Erie; thence a westwardly course to Fort Recovery, which
15 stands on a branch of the Wabash; thence south-westwardly, in a direct



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16 line to the Ohio, so as to intersect that river, opposite the mouth of
17 Kentucky or Cuttawa river; thence down the said river Ohio to the tract
18 of one hundred and fifty thousand acres, near the rapids of the Ohio,
19 which has been assigned to General Clarke, for the use of himself and
20 his warriors; thence around the said tract, on the line of the said tract,
21 till it shall again intersect the said river Ohio; thence down the same to
22 a point opposite the high lands or ridge between the mouth of the Cum-
23 berland and Tennessee rivers; thence south-eastwardly on the said ridge,
24 to a point, from whence a south-west line will strike the mouth of Duck
25 river; thence, still eastwardly on the said ridge, to a point forty miles
26 above Nashville; thence north-east to Cumberland river; thence up the
27 said river to where the Kentucky road crosses the same; thence to the
28 Cumberland mountain, at the point of Campbell's line; thence in a
29 south-westwardly direction along the foot of the Cumberland mountain
30 to Emory's river; thence down the same to its junction with the river
31 Clinch; thence down the river Clinch to Hawkins's line; thence along
32 the same to a white oak, marked one mile tree; thence south fifty-one
33 degrees west, three hundred and twenty-eight chains to a large ash tree
34 on the bank of the river Tennessee, one mile below South-west Point;
35 thence up the north-east margin of the river Tennessee (not including
36 islands) to the Wild Cat Rock, below Tellico block-house; thence in a
37 direct line to the Militia Spring, near the Maryville road leading from
38 Tellico; thence from the said spring to the Chilhowee mountain by a
39 line so to be run as will leave all the farms on Nine-mile creek to the
40 northward and eastward of it, and to be continued along the Chilhowee
41 mountain until it strikes Hawkins's line; thence along the said line to
42 the Great Iron mountain; and from the top of which a line to be con-

43 tinued in a fouth-eaftwardly courfe to where the moft fouthern branch
 44 of Little river croffes the divifional line to Tugaloo river; thence
 45 along the South-Carolina Indian boundary to and over the Ocunna
 46 mountain, in a fouth weft courfe to Tugaloo river; thence in a direct
 47 line to the top of Currahee mountain, where the Creek line paffes it;
 48 thence to the head or fource of the main fouth branch of the Oconee
 49 river, called the Appalachee; thence down the middle of the faid main
 50 fouth branch and river Oconee, to its confluence with Oakmulgee,
 51 which forms the river Altamaha; thence down the middle of the faid
 52 Altamaha, to the old line on the faid river; and thence along the faid old
 53 line to the river St. Mary's: *Provided always*, That if the boundary line
 54 between the faid Indian tribes and the United States fhall, at any time
 55 hereafter, be varied, by any treaty which fhall be made between the
 56 faid Indian tribes and the United States, then all the provifions contained
 57 in this act fhall be conftrued to apply to the faid line fo to be varied, in
 58 the fame manner, as faid provifions apply, by force of this act, to the
 59 boundary line herein before recited.

1 Sec. 2. *And be it further enacted*, That if any citizen of, or other
 2 perfon refident in, the United States, or either of the territorial dif-
 3 tricts of the United States, fhall crofs over, or go within the faid boundary
 4 line, to hunt, or in any wife deftroy the game; or fhall drive, or other-
 5 wife convey any flock of horfes or cattle to range on any lands allotted or
 6 fecured by treaty with the United States, to any Indian tribes, he fhall
 7 forfeit a fum not exceeding 100 dollars, or be imprifoned not exceeding
 8 fix months.

1 Sec. 3. *And be it further enacted*, That if any fuch citizen, or other
 2 perfon, fhall go into any country which is allotted, or fecured by treaty

3 as aforesaid, to any of the Indian tribes south of the river Ohio, with-
4 out a passport first had and obtained from the governor of some one of
5 the United States, or the officer of the troops of the United States,
6 commanding at the nearest post on the frontiers, or such other person
7 as the President of the United States may, from time to time, authorize
8 to grant the same, shall forfeit a sum not exceeding 50 dollars, or be
9 imprisoned not exceeding three months.

1 Sec. 4. *And be it further enacted*, That if any such citizen, or other
2 person, shall go into any town, settlement or territory belonging, or fe-
3 cused by treaty with the United States, to any nation or tribe of Indians,
4 and shall there commit robbery, larceny, trespass or other crime, against
5 the person or property of any friendly Indian or Indians, which would
6 be punishable, if committed within the jurisdiction of any state, against
7 a citizen of the United States; or, unauthorized by law, and with a
8 hostile intention, shall be found on any Indian land, such offender shall
9 forfeit a sum not exceeding 100 dollars, and be imprisoned not exceed-
10 ing 12 months; and shall also, when property is taken or destroyed,
11 forfeit and pay to such Indian or Indians, to whom the property taken
12 and destroyed belongs, a sum equal to twice the just value of the property
13 so taken or destroyed: And if such offender shall be unable to pay a sum
14 at least equal to the said just value, whatever such payment shall fall
15 short of the said just value, shall be paid out of the treasury of the
16 United States: *Provided nevertheless*, That no such Indian shall be en-
17 titled to any payment out of the treasury of the United States, for any
18 such property taken or destroyed, if he, or any of the nation to which
19 he belongs, shall have sought private revenge, or attempted to obtain
20 satisfaction by any force or violence.

1 Sec. 5. *And be it further enacted,* That if any such citizen, or other
 2 person, shall make a settlement on any lands belonging, or secured, or
 3 granted by treaty with the United States, to any Indian tribe, or shall
 4 survey, or attempt to survey, such lands, or designate any of the bound-
 5 aries, by marking trees, or otherwise, such offender shall forfeit a sum
 6 not exceeding 1000 dollars, and suffer imprisonment, not exceeding
 7 twelve months. And it shall, moreover, be lawful for the President of
 8 the United States to take such measures, and to employ such military
 9 force, as he may judge necessary, to remove from lands belonging, or
 10 secured by treaty, as aforesaid, to any Indian tribe, any such citizen, or
 11 other person, who has made, or shall hereafter make, or attempt to make
 12 a settlement thereon.

1 Sec. 6. *And be it further enacted,* That if any such citizen, or other
 2 person, shall go into any town, settlement or territory belonging to any
 3 nation or tribe of Indians, and shall there commit murder, by killing
 4 any Indian or Indians belonging to any nation or tribe of Indians in amity
 5 with the United States, such offender, on being thereof convicted,
 6 shall suffer death.

1 Sec. 7. *And be it further enacted,* That no such citizen, or other
 2 person, shall be permitted to reside at any of the towns, or hunting
 3 camps, of any of the Indian tribes as a trader, without a license under
 4 the hand and seal of the superintendent of the department, or of such
 5 other person as the President of the United States shall authorize to
 6 grant licenses for that purpose: which superintendent, or person au-
 7 thorized, shall, on application, issue such license, for a term not exceed-
 8 ing two years, who shall enter into bond with one or more sureties, ap-
 9 proved of by the superintendent, or person issuing such license, or by

10 the President of the United States, in the penal sum of 1000 dollars,
 11 conditioned for the true and faithful observance of such regulations and
 12 restrictions, as are, or shall be made for the government of trade and
 13 intercourse with the Indian tribes: and the superintendent, or person
 14 issuing such license, shall have full power and authority to recal the
 15 same, if the person so licensed shall transgress any of the regulations, or
 16 restrictions, provided for the government of trade and intercourse with
 17 the Indian tribes; and shall put in suit such bonds as he may have taken,
 18 on the breach of any condition therein contained.

1 Sec. 8. *And be it further enacted*, That any such citizen or other per-
 2 son, who shall attempt to reside in any town, or hunting camp, of any
 3 of the Indian tribes, as a trader, without such license, shall forfeit all
 4 the merchandise offered for sale to the Indians, or found in his possession,
 5 and shall, moreover, be liable to a fine not exceeding 100 dollars, and
 6 to imprisonment not exceeding 30 days.

1 Sec. 9. *And be it further enacted*, That if any such citizen, or other
 2 person, shall purchase, or receive of any Indian, in the way of trade
 3 or barter, a gun, or other article commonly used in hunting, any instru-
 4 ment of husbandry, or cooking utensil, of the kind usually obtained by
 5 the Indians, in their intercourse with white people, or any article of
 6 clothing, excepting skins or furs, he shall forfeit a sum not exceeding 50
 7 dollars, and be imprisoned not exceeding 30 days.

1 Sec. 10. *And be it further enacted*, That no such citizen, or other
 2 person, shall be permitted to purchase any horse of an Indian, or of any
 3 white man in the Indian territory, without special license for that pur-
 4 pose; which license, the superintendent, or such other person, as the
 5 President shall appoint, is hereby authorized to grant, on the same terms,

6 conditions and restrictions, as other licenses are to be granted under this
 7 act: and any such person, who shall purchase a horse or horses, under
 8 such license, before he exposes such horse or horses for sale, and within
 9 fifteen days after they have been brought out of the Indian country,
 10 shall make a particular return to the superintendent, or other person,
 11 from whom he obtained his license, of every horse purchased by him,
 12 as aforesaid; describing such horses, by their colour, height, and other
 13 natural or artificial marks, under the penalty contained in their respec-
 14 tive bonds. And every such person, purchasing a horse or horses, as
 15 aforesaid, in the Indian country, without a special license, shall, for eve-
 16 ry horse thus purchased, and brought into any settlement of citizens of
 17 the United States, forfeit a sum not exceeding 100 dollars, and be im-
 18 prisoned not exceeding 30 days. And every person, who shall purchase
 19 a horse, knowing him to be brought out of the Indian territory, by any
 20 person or persons, not licensed, as above, to purchase the same, shall for-
 21 feit the value of such horse.

1 Sec. 11. *And be it further enacted*, That no agent, superintendent,
 2 or other person authorized to grant a license to trade, or purchase
 3 horses, shall have any interest or concern in any trade with the Indians,
 4 or in the purchase or sale of any horse to, or from any Indian, excepting
 5 for, and on account of the United States: and any person offending
 6 herein, shall forfeit a sum not exceeding 1000 dollars, and be imprisoned
 7 not exceeding 12 months.

1 Sec. 12. *And be it further enacted*, That no purchase, grant, lease,
 2 or other conveyance of lands, or of any title or claim thereto, from any
 3 Indian, or nation, or tribe of Indians, within the bounds of the United
 4 States, shall be of any validity, in law or equity, unless the same be made

5 by treaty or convention, entered into pursuant to the constitution : and
 6 it shall be a misdemeanor in any person, not employed under the autho-
 7 rity of the United States, to negotiate such treaty or convention, direct-
 8 ly or indirectly, to treat with any such Indian nation, or tribe of Indians,
 9 for the title or purchase of any lands by them held, or claimed, punisha-
 10 ble by fine not exceeding 1000 dollars, and imprisonment not exceeding
 11 12 months : *Provided nevertheless*, that it shall be lawful for the agent
 12 or agents of any state, who may be present at any treaty held with Indi-
 13 ans under the authority of the United States, in the presence, and with
 14 the approbation of the commissioner or commissioners of the United
 15 States, appointed to hold the same, to propose to, and adjust with the In-
 16 dians, the compensation to be made, for their claims to lands within such
 17 state, which shall be extinguished by the treaty.

1 Sec. 13. *And be it further enacted*, That in order to promote civiliza-
 2 tion among the friendly Indian tribes, and to secure the continuance of
 3 their friendship, it shall be lawful for the President of the United States,
 4 to cause them to be furnished with useful domestic animals, and imple-
 5 ments of husbandry, and with goods or money, as he shall judge proper,
 6 and to appoint such persons, from time to time, as temporary agents, to
 7 reside among the Indians, as he shall think fit : *Provided*, that the whole
 8 amount of such presents, and allowance to such agents, shall not exceed
 9 15,000 dollars per annum.

1 Sec. 14. *And be it further enacted*, That if any Indian or Indians, be-
 2 longing to any tribe in amity with the United States, shall come over or
 3 cross the said boundary line, into any state or territory inhabited by citi-
 4 zens of the United States, and there take, steal or destroy any horse,
 5 horses, or other property, belonging to any citizen or inhabitant of the

6 United States, or of either of the territorial districts of the United States,
7 or shall commit any murder, violence or outrage, upon any such citizen or
8 inhabitant, it shall be the duty of such citizen or inhabitant, his representa-
9 tive, attorney or agent, to make application to the superintendent, or such
10 other person as the President of the United States, shall authorize for that
11 purpose; who, upon being furnished with the necessary documents and
12 proofs, shall, under the direction or instruction of the President of the
13 United States, make application to the nation or tribe, to which such Indian
14 or Indians shall belong, for satisfaction; and if such nation or tribe shall ne-
15 glect or refuse to make satisfaction, in a reasonable time, not exceeding 18
16 months, then it shall be the duty of such superintendent or other person au-
17 thorized as aforesaid, to make return of his doings to the President of the
18 United States, and forward to him all the documents and proofs in the
19 case that, such further steps may be taken, as shall be proper to obtain sa-
20 tisfaction for the injury: and in the mean time, in respect to the property
21 so taken, stolen, or destroyed, the United States guarantee to the party in-
22 jured, an eventual indemnification: *Provided always*, That if such injured
23 party, his representative, attorney, or agent, shall, in any way, violate any
24 of the provisions of this act, by seeking, or attempting to obtain private
25 satisfaction or revenge, by crossing over the line, on any of the Indian
26 lands, he shall forfeit all claim upon the United States, for such indem-
27 nification: *And provided also*, That nothing herein contained shall pre-
28 vent the legal apprehension or arresting, within the limits of any state or
29 district, of any Indian having so offended: *And provided further*, That
30 it shall be lawful for the President of the United States, to deduct such
31 sum or sums, as shall be paid for the property taken, stolen or destroyed

32 by any such Indian, out of the annual stipend, which the United States
33 are bound to pay to the tribe, to which such Indian shall belong.

1 Sec. 15. *And be it further enacted*, That the superior courts in each of
2 the said territorial districts, and the circuit courts, and other courts of
3 the United States of similar jurisdiction in criminal causes, in each dis-
4 trict of the United States, in which any offender against this act shall be
5 apprehended, or, agreeably to the provisions of this act, shall be brought
6 for trial, shall have, and are hereby invested with full power and autho-
7 rity to hear and determine all crimes, offences and misdemeanors, against
8 this act; such courts proceeding therein in the same manner, as if such
9 crimes, offences and misdemeanors had been committed within the
10 bounds of their respective districts: and in all cases where the punish-
11 ment shall not be death, the county courts of quarter sessions in the said
12 territorial districts, and the district courts of the United States, in their
13 respective districts, shall have, and are hereby invested with like power
14 to hear and determine the same, any law to the contrary notwithstand-
15 ing: And in all cases, where the punishment shall be death, it shall
16 be lawful for the governor of either of the territorial districts, where the
17 offender shall be apprehended, or into which he shall be brought for trial,
18 to issue a commission of oyer and terminer to the superior judges of such
19 district, who shall have full power and authority to hear and determine
20 all such capital cases, in the same manner as the superior courts of such
21 district have in their ordinary sessions: and when the offender shall be ap-
22 prehended, or brought for trial into any of the United States, except
23 ^{at Tennessee.} Kentucky, it shall be lawful for the President of the United States, to
24 issue a like commission to any one or more judges of the supreme court
25 of the United States, and the judge of the district, in which such offender

26 may have been apprehended or shall have been brought for trial ; which
 27 judges, or any two of them, shall have the same jurisdiction in such capi-
 28 tal cases, as the circuit court of such district, and shall proceed to trial
 29 and judgment, in the same manner as such circuit court might or could
 30 do. And the district courts of Kentucky and Maine shall have jurisdic-
 31 tion of all crimes, offences and misdemeanors committed against this act,
 32 and shall proceed to trial and judgment in the same manner, as the cir-
 33 cuit courts of the United States.

1 Sec. 16. *And be it further enacted*, That it shall be lawful for the mili-
 2 tary force of the United States, to apprehend every person who shall, or
 3 may be found in the Indian country over and beyond the said boundary
 4 line between the United States and the said Indian tribes, in violation of
 5 any of the provisions or regulations of this act, and him or them imme-
 6 diately to convey, in the nearest, convenient and safe route, to the civil
 7 authority of the United States, in some one of the three next adjoining
 8 states or districts, to be proceeded against in due course of law : *Provided*,
 9 That no person, apprehended by military force, as aforesaid, shall be de-
 10 tained longer than five days after the arrest, and before removal. And all
 11 officers and soldiers who may have any such person or persons in custody,
 12 shall treat them with all the humanity which the circumstances will pos-
 13 sibly permit; and every officer and soldier who shall be guilty of mal-
 14 treating any such person, while in custody, shall suffer such punishment
 15 as a court-martial shall direct : *Provided*, That the officer having custody
 16 of such person or persons shall, if required by such person or persons,
 17 conduct him or them to the nearest judge of the supreme or superior
 18 court of any state, who, if the offence is bailable, shall take proper bail
 19 if offered, returnable to the district court next to be holden in said dis-

20 triâ, which bail the said judge is hereby authorized to take, and which
 21 shall be liable to be estreated as any other recognizance for bail in any
 22 court of the United States; and if said judge shall refuse to act, or the
 23 person or persons fail to procure satisfactory bail, then the said person or
 24 persons are to be proceeded with according to the directions of this act.

1 Sec. 17. *And be it further enacted,* That if any person, who shall be
 2 charged with a violation of any of the provisions or regulations of this
 3 act, shall be found within any of the United States, or either of the
 4 territorial districts of the United States, such offender may be there ap-
 5 prehended and brought to trial, in the same manner, as if such crime or
 6 offence had been committed within such state or district; and it shall be
 7 the duty of the military force of the United States; when called upon
 8 by the civil magistrate, or any proper officer, or other person duly au-
 9 thorized for that purpose and having a lawful warrant, to aid and assist
 10 such magistrate, officer, or other person authorized, as aforesaid, in ar-
 11 resting such offender, and him committing to safe custody, for trial ac-
 12 cording to law.

1 Sec. 18. *And be it further enacted,* That the amount of fines, and
 2 duration of imprisonment, directed by this act as a punishment for the
 3 violation of any of the provisions thereof, shall be ascertained and fixed,
 4 not exceeding the limits prescribed, in the discretion of the court, before
 5 whom the trial shall be had; and that all fines and forfeitures, which shall
 6 accrue under this act, shall be one half to the use of the informant, and
 7 the other half to the use of the United States; except where the prose-
 8 cution shall be first instituted on behalf of the United States; in which
 9 case the whole shall be to their use.

1 Sec. 19. *And be it further enacted*, That nothing in this act shall be
 2 construed to prevent any trade or intercourse with Indians living on lands
 3 surrounded by settlements of the citizens of the United States, and be-
 4 ing within the ordinary jurisdiction of any of the individual states; or
 5 the unmolested use of a road from Washington district to ~~X~~ *Mero* district,
 6 or to prevent the citizens of Tennessee from keeping in repair the said
 7 road, under the direction or orders of the governor of said state, and
 8 of the navigation of the Tennessee river, as reserved and secured by trea-
 9 ty; nor shall this act be construed to prevent any person or persons tra-
 10 velling from Knoxville to Price's settlement, or to the settlement on
 11 Obed's river, (so called,) provided they shall travel in the trace or path
 12 which is usually travelled, and provided the Indians make no objection;
 13 but if the Indians object, the President of the United States is hereby
 14 authorized to issue a proclamation, prohibiting all travelling on said trace
 15 or either of them, as the case may be, after which, the penalties of this
 16 act shall be incurred by every person travelling or being found on said
 17 trace,⁴ or either ~~or both~~ of them, to which the prohibition may apply,
 18 within the Indian boundary, without a passport.

1 Sec. 20. *And be it further enacted*, That the President of the United
 2 States be, and he is hereby authorized to cause to be clearly ascertained
 3 and distinctly marked, in all such places as he shall deem necessary, and
 4 in such manner as he shall direct, any other boundary lines between the
 5 United States and any Indian tribe, which now are, or hereafter may be
 6 established by treaty.

1 Sec. 21. *And be it further enacted*, That this act shall be in force from
 2 the passage thereof; and so far as respects the proceedings under this act,
 3 it is to be understood, that the act, entitled "An act to amend an act, en-

4 titled An act giving effect to the laws of the United States within the
 5 district of Tennessee," is not to operate, and all disabilities which have
 6 taken place shall continue and remain ; and all penalties and forfeitures
 7 that have been incurred, may be recovered, and all prosecutions and suits
 8 which may have been commenced, may be prosecuted to final judgment,
 9 under the act, to regulate trade and intercourse with the Indian tribes,
 10 and to preserve peace on the frontiers, which hath expired by its own
 11 limitation on the third day of March, 1802, in the same manner, as if
 12 the said act was continued in force.

Referred March 30, 1802 with
 amendments







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